IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 19802 of 2005

Between:

K. Byrisetty

..... PETITIONER

AND

The Joint Collector, Anantapur

And 2 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the stay order dated 09.08.2005 passed in Rc.No.K4/882/2005 on the file of the 1st respondent, as illegal and arbitrary, the present writ petition is filed.

It is the case of the petitioner that himself and other card holders of Niluvirathipalli village made a complaint to the Mandal Revenue Officer, Amadagur Mandal against the 3rd respondent, alleging that the 3rd respondent has not been distributing the essential commodities to the card holders properly, and that the Mandal Revenue Officer enquired into the matter and submitted a report to the 2nd respondent and charges were framed against the 3rd respondent and her authorization was suspended pending enquiry. Aggrieved by the same, the 3rd respondent filed an appeal before the 1st respondent, and the 1st respondent without looking into the records and without properly appreciating the facts of the case, passed the impugned order. Hence the writ petition.

Heard the learned counsel on either side.

The learned counsel for the petitioner contended that having allowed the appeal, the 1st respondent ought not to have granted stay of orders of the 2nd respondent, and therefore, he prays to set aside the order.

On the other hand, the learned Government Pleader for Civil Supplies, appearing for the 1st and 2nd respondents, opposed the same.

The learned counsel appearing for the 3rd respondent contended that there is no violation of statutory or legal right of the petitioner and that an alternative remedy of revision is available against the impugned order, and therefore, he prays to dismiss the writ petition.

For certain irregularities alleged to have been committed by the 3rd respondent, a show cause notice was issued to her calling her explanation as to why her dealership cannot be cancelled and directed the Mandal Revenue Officer to make alternative arrangements by keeping adjacent dealer for distribution of essential commodities without causing inconvenience to the card holders. Challenging the same, the 3rd respondent filed an appeal before the 1st respondent and the 1st respondent by his orders dated 09.08.2005, came to the conclusion that the matter is pending before the 2nd respondent and therefore, remanded the matter to the 2nd respondent for final disposal of the case. While remanding the matter to the 2nd respondent, the 1st respondent ought not to have passed any orders. The suspension of the fair price dealership of the 3rd respondent is pending enquiry and it is only a show cause notice. Whether the petitioner is committed any irregularities or not is required to be decided by the 2nd respondent.

Therefore, without entering into the merits of the case, I deem it appropriate to dispose of the writ petition, with a direction to the 2nd respondent to complete the enquiry against the 3rd respondent, within a period of 4 (four) weeks, from the date of receipt of a copy of this Order. The impugned order, passed by the 1st respondent, is set aside.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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K.C. BHANU,J

Dated: 09.09.2005

Dsr

Note:

Issue CC in two days

B/o

Dsr